

**Notice of Allowability**

Application No.

10/687,111

Examiner

Jack I. Berman

Applicant(s)

DOAN, TRUNG T.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 24 March 2005.
2. ☒ The allowed claim(s) is/are 1-11, 14-17, 20-28, 30, 31 and 34-50.
3. ☒ The drawings filed on 15 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12/22/04
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

  
**JACK BERMAN**  
PRIMARY EXAMINER

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Dutcher on May 27, 2005.

The application has been amended as follows:

IN THE CLAIMS:

39. (Currently Amended) A method of analyzing a portion of a sample, comprising:  
inspecting a surface of the sample to identify an area of interest;  
selectively removing material from the sample using laser energy to define an array of sample columns including a first sample column and a second sample column, the first sample column being spaced from the second sample column and at least proximate the area of interest;  
providing the first sample column with a reduced-diameter first apex at its outward end without laser energy;  
providing the second sample column with a reduced-diameter second apex at its outward end without laser energy;  
juxtaposing the first apex of the first sample column on the sample with an electrode of an atom probe; and  
with the first apex juxtaposed with the electrode, controlling energy delivered to the first apex to selectively remove material from the first apex.

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40. (Currently Amended) A method of analyzing an area of interest of a sample, comprising;

identifying an area of interest on a surface of the sample;

directing laser energy toward the surface to remove material from the sample at least adjacent the area of interest, removing the material defining a recessed surface and leaving a projection of sample material at least adjacent the area of interest projecting beyond the recessed surface;

providing the projection with a reduced-diameter apex at its outward end without laser energy; and

juxtaposing the projection with an electrode of an atomic probe.

Claims 32, 33, 51, and 52 have been canceled.

The following is an examiner's statement of reasons for allowance: As Applicant argues in the remarks filed on March 24, 2005, while Kuhlman et al. teaches that laser energy may be used to form sample columns, that patent also teaches that the same energy should also be used to reduce the diameters of these columns. There is nothing in this patent or any other available prior art to suggest to a person having ordinary skill in the art that laser energy should be used to form the sample columns and then some other means used to reduce the diameters of these columns.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

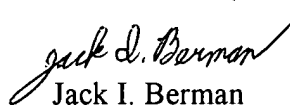
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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack I. Berman whose telephone number is (571) 272-2468. The examiner can normally be reached on M-F (8:30-6:00) with every second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571) 272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jack I. Berman  
Primary Examiner  
Art Unit 2881

jb  
5/31/05